

Introduced by Senator SkinnerDecember 7, 2020

An act to amend Section 1045 of the Evidence Code, and to amend Sections 832.5, 832.7, and 832.12 of, and to add Section 832.13 to, the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 16, as introduced, Skinner. Peace officers: release of records.

(1) Existing law makes peace officer and custodial officer personnel records and specified records maintained by any state or local agency, or information obtained from these records, confidential and prohibits these records from being disclosed in any criminal or civil proceeding except by discovery. Existing law sets forth exceptions to this policy, including, among others, records relating to specified incidents involving the discharge of a firearm, sexual assault, perjury, or misconduct by a peace officer or custodial officer. Existing law makes a record related to an incident involving the use of force against a person resulting in death or great bodily injury subject to disclosure. Existing law requires a state or local agency to make these excepted records available for inspection pursuant to the California Public Records Act.

This bill would, commencing July 1, 2022, make every incident involving use of force to make a member of the public comply with an officer, force that is unreasonable, or excessive force subject to disclosure. The bill would, commencing July 1, 2022, require records relating to sustained findings of unlawful arrests and unlawful searches to be subject to disclosure. The bill would, commencing July 1, 2022, also require the disclosure of records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in conduct

involving prejudice or discrimination on the basis of specified protected classes. The bill would require the retention of all complaints and related reports or findings currently in the possession of a department or agency. The bill would require that records relating to an incident in which an officer resigned before an investigation is completed to also be subject to release. For purposes of releasing records, the bill would prohibit assertion of the attorney-client privilege to limit the disclosure of factual information provided by the public entity to its attorney, factual information discovered by any investigation done by the public entity's attorney, or billing records related to the work done by the attorney. The bill would require records subject to disclosure to be provided at the earliest possible time and no later than 45 days from the date of a request for their disclosure, except as specified. The bill would impose a civil fine not to exceed \$1,000 per day for each day beyond 30 days that records subject to disclosure are not disclosed. The bill would entitle a member of the public who successfully files suit for the release of records to twice the party's reasonable costs and attorney's fees. By imposing additional duties on local law enforcement agencies, the bill would impose a state-mandated local program.

(2) Existing law authorizes an agency to delay the release of a record involving the discharge of a firearm or the use of force during an active criminal investigation, as provided.

This bill would expand the authorization to delay the release of records during an investigation to include records of incidents involving sexual assault and dishonesty by officers, and the records of incidents involving prejudice or discrimination, wrongful arrests, and wrongful searches that are required to be made public by this bill.

(3) Existing law requires a court, in determining the relevance of evidence, to exclude from trial any information consisting of complaints concerning peace officer conduct that is more than 5 years older than the subject of the litigation.

This bill would delete that provision.

(4) Existing law requires an agency or department employing peace officers to make a record of any investigations of misconduct. Existing law requires a peace officer seeking employment with a department or agency to give written permission to the hiring agency or department to view that file.

This bill would require each department or agency to request and review that file prior to hiring a peace officer. The bill would also require every person employed as a peace officer to immediately report all uses

of force by the officer to the officer’s department or agency. By imposing additional duties on local law enforcement, the bill would impose a state-mandated local program.

(5) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1045 of the Evidence Code is amended
2 to read:

3 1045. (a) ~~Nothing in this article shall be construed to~~ *This*
4 *article does not* affect the right of access to records of complaints,
5 or investigations of complaints, or discipline imposed as a result
6 of those investigations, concerning an event or transaction in which
7 the peace officer or custodial officer, as defined in Section 831.5
8 of the Penal Code, participated, or which ~~he or she~~ *the officer*
9 perceived, and pertaining to the manner in which ~~he or she~~
10 ~~performed his or her~~ *the officer performed the officer’s* duties,
11 provided that information is relevant to the subject matter involved
12 in the pending litigation.

13 (b) In determining relevance, the court shall examine the
14 information in chambers in conformity with Section 915, and shall
15 exclude from ~~disclosure:~~ *disclosure both of the following:*

1 ~~(1) Information consisting of complaints concerning conduct~~
2 ~~occurring more than five years before the event or transaction that~~
3 ~~is the subject of the litigation in aid of which discovery or~~
4 ~~disclosure is sought.~~

5 ~~(2)~~

6 (1) In any criminal proceeding the conclusions of any officer
7 investigating a complaint filed pursuant to Section 832.5 of the
8 Penal Code.

9 ~~(3)~~

10 (2) Facts sought to be disclosed that are so remote as to make
11 disclosure of little or no practical benefit.

12 (c) In determining relevance where the issue in litigation
13 concerns the policies or pattern of conduct of the employing
14 agency, the court shall consider whether the information sought
15 may be obtained from other records maintained by the employing
16 agency in the regular course of agency business which would not
17 necessitate the disclosure of individual personnel records.

18 (d) Upon motion seasonably made by the governmental agency
19 which has custody or control of the records to be examined or by
20 the officer whose records are sought, and upon good cause showing
21 the necessity thereof, the court may make any order which justice
22 requires to protect the officer or agency from unnecessary
23 annoyance, embarrassment or oppression.

24 (e) The court shall, in any case or proceeding permitting the
25 disclosure or discovery of any peace or custodial officer records
26 requested pursuant to Section 1043, order that the records disclosed
27 or discovered may not be used for any purpose other than a court
28 proceeding pursuant to applicable law.

29 SEC. 2. Section 832.5 of the Penal Code is amended to read:

30 832.5. (a) (1) Each department or agency in this state that
31 employs peace officers shall establish a procedure to investigate
32 complaints by members of the public against the personnel of these
33 departments or agencies, and shall make a written description of
34 the procedure available to the public.

35 (2) Each department or agency that employs custodial officers,
36 as defined in Section 831.5, may establish a procedure to
37 investigate complaints by members of the public against those
38 custodial officers employed by these departments or agencies,
39 provided however, that any procedure so established shall comply

1 with the provisions of this section and with the provisions of
2 Section 832.7.

3 (b) Complaints and any reports or findings relating to these
4 complaints shall be ~~retained for a period of at least five years.~~
5 *retained, including all complaints and any reports currently in the*
6 *possession of the department or agency.* All complaints retained
7 pursuant to this subdivision may be maintained either in the peace
8 or custodial officer's general personnel file or in a separate file
9 designated by the department or agency as provided by department
10 or agency policy, in accordance with all applicable requirements
11 of law. However, prior to any official determination regarding
12 promotion, transfer, or disciplinary action by an officer's
13 employing department or agency, the complaints described by
14 subdivision (c) shall be removed from the officer's general
15 personnel file and placed in separate file designated by the
16 department or agency, in accordance with all applicable
17 requirements of law.

18 (c) Complaints by members of the public that are determined
19 by the peace or custodial officer's employing agency to be
20 frivolous, as defined in Section 128.5 of the Code of Civil
21 Procedure, or unfounded or exonerated, or any portion of a
22 complaint that is determined to be frivolous, unfounded, or
23 exonerated, shall not be maintained in that officer's general
24 personnel file. However, these complaints shall be retained in
25 other, separate files that shall be deemed personnel records for
26 purposes of the California Public Records Act (Chapter 3.5
27 (commencing with Section 6250) of Division 7 of Title 1 of the
28 Government Code) and Section 1043 of the Evidence Code.

29 (1) Management of the peace or custodial officer's employing
30 agency shall have access to the files described in this subdivision.

31 (2) Management of the peace or custodial officer's employing
32 agency shall not use the complaints contained in these separate
33 files for punitive or promotional purposes except as permitted by
34 subdivision (f) of Section 3304 of the Government Code.

35 (3) Management of the peace or custodial officer's employing
36 agency may identify any officer who is subject to the complaints
37 maintained in these files which require counseling or additional
38 training. However, if a complaint is removed from the officer's
39 personnel file, any reference in the personnel file to the complaint
40 or to a separate file shall be deleted.

1 (d) As used in this section, the following definitions apply:

2 (1) “General personnel file” means the file maintained by the
3 agency containing the primary records specific to each peace or
4 custodial officer’s employment, including evaluations, assignments,
5 status changes, and imposed discipline.

6 (2) “Unfounded” means that the investigation clearly established
7 that the allegation is not true.

8 (3) “Exonerated” means that the investigation clearly established
9 that the actions of the peace or custodial officer that formed the
10 basis for the complaint are not violations of law or department
11 policy.

12 SEC. 3. Section 832.7 of the Penal Code is amended to read:

13 832.7. (a) Except as provided in subdivision (b), the personnel
14 records of peace officers and custodial officers and records
15 maintained by ~~any~~ a state or local agency pursuant to Section
16 832.5, or information obtained from these records, are confidential
17 and shall not be disclosed in any criminal or civil proceeding except
18 by discovery pursuant to Sections 1043 and 1046 of the Evidence
19 Code. This section ~~shall~~ *does* not apply to investigations or
20 proceedings concerning the conduct of peace officers or custodial
21 officers, or an agency or department that employs those officers,
22 conducted by a grand jury, a district attorney’s office, or the
23 Attorney General’s office.

24 (b) (1) Notwithstanding subdivision (a), subdivision (f) of
25 Section 6254 of the Government Code, or any other law, the
26 following peace officer or custodial officer personnel records and
27 records maintained by ~~any~~ a state or local agency shall not be
28 confidential and shall be made available for public inspection
29 pursuant to the California Public Records Act (Chapter 3.5
30 (commencing with Section 6250) of Division 7 of Title 1 of the
31 Government Code):

32 (A) A record relating to the report, investigation, or findings of
33 any of the following:

34 (i) An incident involving the discharge of a firearm at a person
35 by a peace officer or custodial officer.

36 (ii) An incident ~~in which~~ *involving* the use of force *against a*
37 *person* by a peace officer or custodial officer ~~against a person that~~
38 ~~resulted in death,~~ *death* or in great bodily injury.

39 (iii) *Commencing July 1, 2022, an incident involving the use of*
40 *force to make a member of the public comply with an officer, force*

1 *that is unreasonable, or excessive force against a person by a*
2 *peace officer or custodial officer.*

3 (B) (i) Any record relating to an incident in which a sustained
4 finding was made by any law enforcement agency or oversight
5 agency that a peace officer or custodial officer engaged in sexual
6 assault involving a member of the public.

7 (ii) As used in this subparagraph, “sexual assault” means the
8 commission or attempted initiation of a sexual act with a member
9 of the public by means of force, threat, coercion, extortion, offer
10 of leniency or other official favor, or under the color of authority.
11 For purposes of this definition, the propositioning for or
12 commission of any sexual act while on duty is considered a sexual
13 assault.

14 (iii) As used in this subparagraph, “member of the public” means
15 any person not employed by the officer’s employing agency and
16 includes any participant in a cadet, explorer, or other youth program
17 affiliated with the agency.

18 (C) Any record relating to an incident in which a sustained
19 finding was made by any law enforcement agency or oversight
20 agency ~~of involving dishonesty~~ by a peace officer or custodial
21 officer directly relating to the reporting, investigation, or
22 prosecution of a crime, or directly relating to the reporting of, or
23 investigation of misconduct by, another peace officer or custodial
24 officer, including, but not limited to, any ~~sustained finding of~~
25 ~~perjury~~, false statements, filing false reports, destruction, falsifying,
26 or concealing of ~~evidence~~. *evidence, or perjury.*

27 (D) *Commencing July 1, 2022, any record relating to an incident*
28 *in which a sustained finding was made by any law enforcement*
29 *agency or oversight agency that a peace officer or custodial officer*
30 *engaged in conduct including, but not limited to, verbal statements,*
31 *writings, online posts, recordings, and gestures, involving prejudice*
32 *or discrimination against a person on the basis of race, religious*
33 *creed, color, national origin, ancestry, physical disability, mental*
34 *disability, medical condition, genetic information, marital status,*
35 *sex, gender, gender identity, gender expression, age, sexual*
36 *orientation, or military and veteran status.*

37 (E) *Commencing July 1, 2022, any record relating to an incident*
38 *in which a sustained finding was made by any law enforcement*
39 *agency or oversight agency that the peace officer made an unlawful*
40 *arrest or conducted an unlawful search.*

1 (2) Records that shall be released pursuant to this subdivision
2 include all investigative reports; photographic, audio, and video
3 evidence; transcripts or recordings of interviews; autopsy reports;
4 all materials compiled and presented for review to the district
5 attorney or to any person or body charged with determining
6 whether to file criminal charges against an officer in connection
7 with an incident, ~~or~~ whether the officer's action was consistent
8 with law and agency policy for purposes of discipline or
9 administrative action, or what discipline to impose or corrective
10 action to take; documents setting forth findings or recommended
11 findings; and copies of disciplinary records relating to the incident,
12 including any letters of intent to impose discipline, any documents
13 reflecting modifications of discipline due to the Skelly or grievance
14 process, and letters indicating final imposition of discipline or
15 other documentation reflecting implementation of corrective action.
16 *Records that shall be released pursuant to this subdivision also*
17 *include records relating to an incident specified in paragraph (1)*
18 *in which the peace officer or custodial officer resigned before the*
19 *law enforcement agency or oversight agency concluded its*
20 *investigation into the alleged incident.*

21 (3) A record from a separate and prior investigation or
22 assessment of a separate incident shall not be released unless it is
23 independently subject to disclosure pursuant to this subdivision.

24 (4) If an investigation or incident involves multiple officers,
25 information about allegations of misconduct by, or the analysis or
26 disposition of an investigation of, an officer shall not be released
27 pursuant to subparagraph ~~(B)~~ ~~or~~ ~~(C)~~ (B), (C), (D), or (E) of
28 paragraph (1), unless it relates to a ~~sustained finding against that~~
29 ~~officer.~~ *finding regarding that officer that is itself subject to*
30 *disclosure pursuant to this section.* However, factual information
31 about that action of an officer during an incident, or the statements
32 of an officer about an incident, shall be released if they are relevant
33 to a ~~sustained~~ finding against another officer that is subject to
34 release pursuant to subparagraph ~~(B)~~ ~~or~~ ~~(C)~~ (B), (C), (D), or (E)
35 of paragraph (1).

36 (5) An agency shall redact a record disclosed pursuant to this
37 section only for any of the following purposes:

38 (A) To remove personal data or information, such as a home
39 address, telephone number, or identities of family members, other

1 than the names and work-related information of peace and custodial
2 officers.

3 (B) To preserve the anonymity of ~~complainants~~ *complainants*,
4 *victims*, and witnesses.

5 (C) To protect confidential medical, financial, or other
6 information of which disclosure is specifically prohibited by federal
7 law or would cause an unwarranted invasion of personal privacy
8 that clearly outweighs the strong public interest in records about
9 *possible* misconduct and ~~serious~~ use of force by peace officers and
10 custodial officers.

11 (D) Where there is a specific, articulable, and particularized
12 reason to believe that disclosure of the record would pose a
13 significant danger to the physical safety of the peace officer,
14 custodial officer, or another person.

15 (6) Notwithstanding paragraph (5), an agency may redact a
16 record disclosed pursuant to this section, including personal
17 identifying information, where, on the facts of the particular case,
18 the public interest served by not disclosing the information clearly
19 outweighs the public interest served by disclosure of the
20 information.

21 (7) An agency may withhold a record of an incident described
22 in ~~subparagraph (A)~~ of paragraph (1) that is the subject of an active
23 criminal or administrative investigation, in accordance with any
24 of the following:

25 (A) (i) During an active criminal investigation, disclosure may
26 be delayed for up to 60 days from the date the *misconduct or* use
27 of force occurred or until the district attorney determines whether
28 to file criminal charges related to the *misconduct or* use of force,
29 whichever occurs sooner. If an agency delays disclosure pursuant
30 to this clause, the agency shall provide, in writing, the specific
31 basis for the agency's determination that the interest in delaying
32 disclosure clearly outweighs the public interest in disclosure. This
33 writing shall include the estimated date for disclosure of the
34 withheld information.

35 (ii) After 60 days from the *misconduct or* use of force, the
36 agency may continue to delay the disclosure of records or
37 information if the disclosure could reasonably be expected to
38 interfere with a criminal enforcement proceeding against an officer
39 who *engaged in misconduct or* used the force. If an agency delays
40 disclosure pursuant to this clause, the agency shall, at 180-day

1 intervals as necessary, provide, in writing, the specific basis for
2 the agency's determination that disclosure could reasonably be
3 expected to interfere with a criminal enforcement proceeding. The
4 writing shall include the estimated date for the disclosure of the
5 withheld information. Information withheld by the agency shall
6 be disclosed when the specific basis for withholding is resolved,
7 when the investigation or proceeding is no longer active, or by no
8 later than 18 months after the date of the incident, whichever occurs
9 sooner.

10 (iii) After 60 days from the *misconduct* or use of force, the
11 agency may continue to delay the disclosure of records or
12 information if the disclosure could reasonably be expected to
13 interfere with a criminal enforcement proceeding against someone
14 other than the officer who *engaged in the misconduct* or used the
15 force. If an agency delays disclosure under this clause, the agency
16 shall, at 180-day intervals, provide, in writing, the specific basis
17 why disclosure could reasonably be expected to interfere with a
18 criminal enforcement proceeding, and shall provide an estimated
19 date for the disclosure of the withheld information. Information
20 withheld by the agency shall be disclosed when the specific basis
21 for withholding is resolved, when the investigation or proceeding
22 is no longer active, or by no later than 18 months after the date of
23 the incident, whichever occurs sooner, unless extraordinary
24 circumstances warrant continued delay due to the ongoing criminal
25 investigation or proceeding. In that case, the agency must show
26 by clear and convincing evidence that the interest in preventing
27 prejudice to the active and ongoing criminal investigation or
28 proceeding outweighs the public interest in prompt disclosure of
29 records about *misconduct* or use of ~~serious~~ force by peace officers
30 and custodial officers. The agency shall release all information
31 subject to disclosure that does not cause substantial prejudice,
32 including any documents that have otherwise become available.

33 (iv) In an action to compel disclosure brought pursuant to
34 Section 6258 of the Government Code, an agency may justify
35 delay by filing an application to seal the basis for withholding, in
36 accordance with Rule 2.550 of the California Rules of Court, or
37 any successor ~~rule thereto~~, *rule*, if disclosure of the written basis
38 itself would impact a privilege or compromise a pending
39 investigation.

1 (B) If criminal charges are filed related to the incident in which
2 *misconduct occurred* or force was used, the agency may delay the
3 disclosure of records or information until a verdict on those charges
4 is returned at trial or, if a plea of guilty or no contest is entered,
5 the time to withdraw the plea pursuant to Section 1018.

6 (C) During an administrative investigation into an incident
7 described in ~~subparagraph (A)~~ of paragraph (1), the agency may
8 delay the disclosure of records or information until the investigating
9 agency determines whether the *misconduct* or use of force violated
10 a law or agency policy, but no longer than 180 days after the date
11 of the employing agency's discovery of the *misconduct* or use of
12 force, or allegation of *misconduct* or use of force, by a person
13 authorized to initiate an investigation, or ~~30 days after the close~~
14 ~~of any criminal investigation related to the peace officer or~~
15 ~~custodial officer's use of force, whichever is later.~~ *investigation.*

16 (8) A record of a ~~civilian~~ complaint, or the investigations,
17 findings, or dispositions of that complaint, shall not be released
18 pursuant to this section if the complaint is frivolous, as defined in
19 Section 128.5 of the Code of Civil Procedure, or if the complaint
20 is unfounded.

21 (9) *The cost of copies of records subject to disclosure pursuant*
22 *to this subdivision that are made available upon the payment of*
23 *fees covering direct costs of duplication pursuant to subdivision*
24 *(b) of Section 6253 of the Government Code shall not include the*
25 *costs of editing or redacting the records.*

26 (10) *Except to the extent temporary withholding for a longer*
27 *period is permitted pursuant to paragraph (7), records subject to*
28 *disclosure under this subdivision shall be provided at the earliest*
29 *possible time and no later than 45 days from the date of a request*
30 *for their disclosure. For every day beyond 30 days after the date*
31 *which a record is to be disclosed, as required by this subdivision,*
32 *an agency shall be subject to a civil fine not to exceed one thousand*
33 *dollars (\$1,000) per day for each day that the records are not*
34 *disclosed.*

35 (11) *Notwithstanding subdivision (d) of Section 6259 of the*
36 *Government Code, a member of the public who files a suit pursuant*
37 *to Section 6258 of the Government Code for records required by*
38 *this subdivision that are found to have been improperly withheld*
39 *or improperly redacted shall be entitled to twice the party's*

1 *reasonable costs and attorney's fees. Costs and fees awarded*
2 *pursuant to this paragraph shall be paid by the public agency.*

3 *(12) For purposes of releasing records pursuant to this*
4 *subdivision, the attorney-client privilege shall not be asserted to*
5 *limit the disclosure of factual information provided by the public*
6 *entity to its attorney, factual information discovered by any*
7 *investigation done by the public entity's attorney, or billing records*
8 *related to the work done by the attorney.*

9 (c) Notwithstanding subdivisions (a) and (b), a department or
10 agency shall release to the complaining party a copy of ~~his or her~~
11 *the complaining party's* own statements at the time the complaint
12 is filed.

13 (d) Notwithstanding subdivisions (a) and (b), a department or
14 agency that employs peace or custodial officers may disseminate
15 data regarding the number, type, or disposition of complaints
16 (sustained, not sustained, exonerated, or unfounded) made against
17 its officers if that information is in a form which does not identify
18 the individuals involved.

19 (e) Notwithstanding subdivisions (a) and (b), a department or
20 agency that employs peace or custodial officers may release factual
21 information concerning a disciplinary investigation if the officer
22 who is the subject of the disciplinary investigation, or the officer's
23 agent or representative, publicly makes a statement ~~he or she knows~~
24 *they know* to be false concerning the investigation or the imposition
25 of disciplinary action. Information may not be disclosed by the
26 peace or custodial officer's employer unless the false statement
27 was published by an established medium of communication, such
28 as television, radio, or a newspaper. Disclosure of factual
29 information by the employing agency pursuant to this subdivision
30 is limited to facts contained in the officer's personnel file
31 concerning the disciplinary investigation or imposition of
32 disciplinary action that specifically refute the false statements
33 made public by the peace or custodial officer or ~~his or her~~ *their*
34 agent or representative.

35 (f) (1) The department or agency shall provide written
36 notification to the complaining party of the disposition of the
37 complaint within 30 days of the disposition.

38 (2) The notification described in this subdivision ~~shall not be~~
39 *is not* conclusive or binding or admissible as evidence in any

1 separate or subsequent action or proceeding brought before an
2 arbitrator, court, or judge of this state or the United States.

3 (g) This section does not affect the discovery or disclosure of
4 information contained in a peace or custodial officer's personnel
5 file pursuant to Section 1043 of the Evidence Code.

6 (h) This section does not supersede or affect the criminal
7 discovery process outlined in Chapter 10 (commencing with
8 Section 1054) of Title 6 of Part 2, or the admissibility of personnel
9 records pursuant to subdivision (a), which codifies the court
10 decision in *Pitchess v. Superior Court* (1974) 11 Cal.3d 531.

11 (i) Nothing in this chapter is intended to limit the public's right
12 of access as provided for in *Long Beach Police Officers
13 Association v. City of Long Beach* (2014) 59 Cal.4th 59.

14 SEC. 4. Section 832.12 of the Penal Code is amended to read:

15 832.12. (a) Each department or agency in this state that
16 employs peace officers shall make a record of any investigations
17 of misconduct involving a peace officer in ~~his or her~~ *the officer's*
18 general personnel file or a separate file designated by the
19 department or agency. A peace officer seeking employment with
20 a department or agency in this state that employs peace officers
21 shall give written permission for the hiring department or agency
22 to view ~~his or her~~ *the officer's* general personnel file and any
23 separate file designated by a department or agency.

24 (b) *Prior to employing any peace officer, each department or
25 agency in this state that employs peace officers shall request, and
26 the hiring department or agency shall review, any records made
27 available pursuant to subdivision (a).*

28 SEC. 5. Section 832.13 is added to the Penal Code, to read:

29 832.13. Every person employed as a peace officer shall
30 immediately report all uses of force by the officer to the officer's
31 department or agency.

32 SEC. 6. The Legislature finds and declares that Sections 2 and
33 3 of this act, which amend Sections 832.5 and 832.7 of the Penal
34 Code, further, within the meaning of paragraph (7) of subdivision
35 (b) of Section 3 of Article I of the California Constitution, the
36 purposes of that constitutional section as it relates to the right of
37 public access to the meetings of local public bodies or the writings
38 of local public officials and local agencies. Pursuant to paragraph
39 (7) of subdivision (b) of Section 3 of Article I of the California
40 Constitution, the Legislature makes the following findings:

1 This act furthers public access and provides greater transparency
2 with respect to certain law enforcement records.

3 SEC. 7. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district under this act would result from a legislative mandate that
7 is within the scope of paragraph (7) of subdivision (b) of Section
8 3 of Article I of the California Constitution.

9 However, if the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
11 local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.